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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------|------------------------|
| 10/807,018  | 03/23/2004  | Husnu M. Kalkanoglu  | 116-03              | 2247                   |
| 27569   | 7590        | 09/27/2006           |                     | EXAMINER               |
| PAUL AND PAUL<br>2000 MARKET STREET<br>SUITE 2900<br>PHILADELPHIA, PA 19103 |             |                      |                     | PARKER, FREDERICK JOHN |
|   |             |                      | ART UNIT            | PAPER NUMBER           |
|   |             |                      |                     | 1762                   |

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/807,018             | KALKANOGLU ET AL.   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Frederick J. Parker    | 1762                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/10/04; 8/29/05.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 1-11 in the reply filed on 6/22/06 is acknowledged. The traversal is on the ground(s) that it is not understood how the articles and method of making such articles could be different. This is not found persuasive because the shingles are shown to be able to be made by other methods, and the patentability of the shingle articles is based not upon their method of making, but on the structure of the final product (MPEP 2113). Since the article can be made by other methods as cited in the restriction, restriction between article and method is proper.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

2. Claims 1,3 are objected to because of the following informalities: Claims 1,3; step (e) it is unclear if "intermediate" of *intermediate width* refers to a relative intended width or to merely refer to the width of intermediate areas; for examination, either interpretation will be deemed to meet the limitation. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7,11 are rejected under 35 U.S.C. 102(b) as being anticipated by Koscitzky US 5664385.

Koscitzky teaches making roofing shingles by applying a hot hardenable asphalt/ adhesive onto a longitudinally moving base sheet and then applying adjacent areas of colored granules onto the surface of the sheet (col. 3, 3-43). As recognized on col. 4, there are overlapping color transition zones 36 between the (three) different colored areas 26 a-c, per claims 2,4,6, as shown in figure 2 and taught on col. 4, 27-42. Subsequently, slots 76 are formed in the transition intermediate areas 36 between colored areas to form a “sharp visual demarcation between adjacent colored areas” (col. 5, 4-18), the intermediate areas 36 each having a width, per claims 1,3 step e. Figure 2 shows width differences between colored areas 26 a-c to provide varied aesthetics between colored areas, per claim 11.

#### ***Claim Rejections - 35 USC § 103***

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koscitzky in view of the Admitted prior Art (APA), pages 1-2.

Koscitzky is cited for the same reasons previously discussed, which are incorporated herein. Applying second layers to make a laminated shingle is not cited.

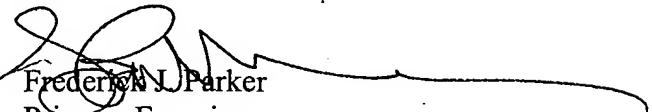
The APA teaches it is known to form laminated shingles from two or more layers of shingle components. Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Koscitzky by forming multi-layer laminated shingles as the shingle type as disclosed by the APA prior to slotting intermediate areas to form laminated shingles with sharp visual demarcations between adjacent colored areas.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2111565 teaches applying different colored granules to an asphalt coated sheet, with intermediate portions coated with excess recycled granules and then forming transverse slots 68 including intermediate portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 571/ 272-1426. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571/272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Frederick J. Parker  
Primary Examiner  
Art Unit 1762

FJP